

House Daily Reader

Wednesday, February 18, 2004

Bills Included				
HB 1088	HB 1117	HB 1122	HB 1125	SB 3
SB 19	SB 29	SB 37	SB 47	SB 50
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State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

925J0524

SENATE JUDICIARY COMMITTEE ENGROSSED NO. **HB 1088** - 02/11/2004

Introduced by: Representatives Madsen, Gillespie, Olson (Mel), and Peterson (Bill) and
Senators Duniphan, Abdallah, Diedrich (Larry), Moore, and Symens

1 FOR AN ACT ENTITLED, An Act to provide for the certification of canine teams by the law
2 enforcement officers standards commission.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 23-3-35 be amended to read as follows:

5 23-3-35. In addition to powers conferred upon the law enforcement officers standards
6 commission elsewhere in this chapter, the commission may:

7 (1) Promulgate rules ~~and regulations~~ for the administration of §§ 23-3-26 to 23-3-47,
8 inclusive, including the authority to require the submission of reports and information
9 by law enforcement agencies within this state;

10 (2) Establish minimum educational and training standards for admission to employment
11 as a law enforcement officer:

12 (a) In permanent positions; and

13 (b) In temporary or probationary status;

14 (3) Certify persons as being qualified under the provisions of §§ 23-3-26 to 23-3-47,
15 inclusive, to be law enforcement officers, and by rule to establish criteria and



1 procedure for the revocation or suspension of the certification of officers who have
2 been convicted of a felony or misdemeanor involving moral turpitude, have
3 intentionally falsified any application or document to achieve certification, or have
4 been discharged from employment for cause, or have engaged in conduct
5 unbecoming of a law enforcement officer;

6 (4) Establish minimum curriculum requirements for preparatory, in-service, and
7 advanced courses and programs for schools operated by or for the state or any
8 political subdivisions of the state for the specific purpose of training recruits or other
9 law enforcement officers;

10 (5) Consult and cooperate with counties, municipalities, agencies of this state, other
11 governmental agencies, and with universities, colleges, junior colleges, and other
12 institutions concerning the development of law enforcement training schools and
13 programs or courses of instruction;

14 (6) Approve institutions and facilities for school operation by or for the state or any
15 political subdivision of the state for the specific purpose of training law enforcement
16 officers and recruits;

17 (7) Make or encourage studies of any aspect of police administration;

18 (8) Conduct and stimulate research by public and private agencies which is designed to
19 improve police administration and law enforcement;

20 (9) Make recommendations concerning any matter within its purview pursuant to
21 §§ 23-3-26 to 23-3-47, inclusive;

22 (10) Make such evaluations as may be necessary to determine if governmental units are
23 complying with the provisions of §§ 23-3-26 to 23-3-47, inclusive;

24 (11) Adopt and amend bylaws, consistent with law, for its internal management and

1 control;

2 (12) Enter into contracts or do such things as may be necessary and incidental to the
3 administration of its authority pursuant to §§ 23-3-26 to 23-3-47, inclusive;

4 (13) License and regulate the activities of private or law enforcement polygraph and
5 computer voice stress analyzer examiners;

6 (14) Certify canine teams.

7 Section 2. That chapter 23-3 be amended by adding thereto a NEW SECTION to read as
8 follows:

9 Each law enforcement canine team in the state shall be initially certified and annually
10 recertified in one or more of the following specialties:

11 (1) The detection of the odors of drugs and controlled substances;

12 (2) The detection of the odors of explosive materials, explosive devices, and materials
13 which can be used to construct an explosive device;

14 (3) The detection of odors of any other substance or material which can be used with
15 criminal intent;

16 (4) Apprehension or search skills including tracking, building suspect search, article
17 recovery, evidence search, and suspect apprehension.

18 Section 3. That chapter 23-3 be amended by adding thereto a NEW SECTION to read as
19 follows:

20 The commission shall, by rules promulgated pursuant to chapter 1-26, establish standards
21 and criteria for canine certification and recertification. The commission may also, by rules
22 promulgated pursuant to chapter 1-26, establish a certification fee and recertification fee to
23 cover the reasonable costs of developing, implementing, and administering the canine
24 certification program. However, the certification fee may not exceed three hundred dollars and

1 the recertification fee may not exceed one hundred dollars.

State of South Dakota

SEVENTY-NINTH SESSION LEGISLATIVE ASSEMBLY, 2004

724J0349

SENATE ENGROSSED NO. **HB 1117** - 02/13/2004

Introduced by: Representatives Hargens, Cutler, Hunhoff, Madsen, and Sebert and Senators Moore, Duniphan, and Olson (Ed)

1 FOR AN ACT ENTITLED, An Act to revise the requirements for operating a motor vehicle
2 with an instruction permit.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 32-12-11 be amended to read as follows:

5 32-12-11. Any person who is at least fourteen years of age but less than eighteen years of
6 age applying for a South Dakota operator's license, restricted minor's permit, or instruction
7 permit who does not currently hold an operator's license, motorcycle operator's license,
8 restricted minor's permit, motorcycle restricted minor's permit, instruction permit, or motorcycle
9 instruction permit that has been valid continuously for one hundred eighty days, shall apply to
10 the Department of Public Safety for an instruction permit which shall be held for a minimum
11 of one hundred eighty continuous days. The department may, after the applicant has successfully
12 passed all parts of the examination other than the driving test and paid a fee which is equal in
13 amount to the fee prescribed for a license in § 32-12-16, issue to the applicant an instruction
14 permit. The instruction permit entitles the applicant, while having the permit in the applicant's
15 immediate possession, to drive a motor vehicle upon the public highways for a period of one



1 year during the hours of 6 a.m. to 10 p.m. if accompanied by a person holding a valid operator's
2 license who is at least eighteen years of age, has had at least one year of driving experience, and
3 who is occupying a seat beside the applicant. The applicant is entitled to drive a motor vehicle
4 upon the public highways during the hours of 10 p.m. to 6 a.m. if the motor vehicle is being
5 operated under the direction of the applicant's parent or guardian who is occupying a seat beside
6 the applicant. The holder of an instruction permit may apply for a restricted minor's permit or
7 operator's license after holding a valid instruction permit for one hundred eighty continuous
8 days.

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

292J0242

SENATE JUDICIARY COMMITTEE ENGROSSED NO. **HB 1122** - 02/11/2004

Introduced by: Representatives Michels, Cutler, Deadrick (Thomas), Engels, Gillespie, Madsen, McCaulley, and O'Brien and Senators Knudson and de Hueck

1 FOR AN ACT ENTITLED, An Act to revise the procedure for registering a business name.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. That § 37-11-1 be amended to read as follows:

4 37-11-1. It is a Class 2 misdemeanor for any person ~~or copartnership~~ to engage in or conduct
5 a business for profit in this state under any name which does not plainly show the true surname
6 of each person interested in such business unless a statement is filed first. The statement shall
7 be verified by each person interested in the business, showing the name, post office address, and
8 residence address of each person interested in the business and the address where the main
9 office of the business is to be maintained. The statement shall be electronically filed in the office
10 ~~of the register of deeds in each county where the business is maintained~~ with the secretary of
11 state, or filed in paper form with the office of the register of deeds in each county where the
12 business is maintained, and the filing shall be renewed every fifth year thereafter. A fee of ten
13 dollars shall be ~~charged for~~ paid with each new filing and renewal ~~in accordance with~~
14 ~~subdivision 7-9-15(3).~~ The fee shall be retained by the filing office receiving the filing.

15 Section 2. That § 37-11-2 be amended to read as follows:



1 37-11-2. A verified statement as described in § 37-11-1 shall be similarly filed ~~from time~~
2 ~~to time~~ upon any change in ownership, operation, or persons interested of twenty-five percent
3 or more of the ownership interest in the business. A fee of ten dollars shall be ~~charged for~~ paid
4 with each filing under this section in accordance with subdivision 7-9-15(3). The fee shall be
5 retained by the filing office receiving the filing.

6 Section 3. That § 37-11-3 be amended to read as follows:

7 37-11-3. The ~~register of deeds~~ secretary of state shall record the information required ~~by and~~
8 ~~filed with him~~ pursuant to the provisions of §§ 37-11-1 and 37-11-2 in such manner as may be
9 necessary to effectuate the purposes of this chapter. The register of deeds shall, within seven
10 days, electronically record, on the electronic filing system maintained by the secretary of state,
11 the information collected on paper forms filed with the register of deeds pursuant to sections 1
12 and 2 of this Act.

13 Section 4. That § 37-11-2.1 be repealed.

14 ~~— 37-11-2.1. The register of deeds shall cause to be placed in each of the legal publications in~~
15 ~~the county in the first January issue thereof a notice briefly setting forth the obligation provided~~
16 ~~for in §§ 37-11-1 and 37-11-2.~~

17 Section 5. The secretary of state may expend funds from § 57A-9-527 for developing and
18 maintaining a system for recording the information filed pursuant to this Act.

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

770J0445

SENATE JUDICIARY COMMITTEE ENGROSSED NO. **HB 1125** - 02/11/2004

Introduced by: Representatives Madsen, Cutler, Davis, Hackl, Hanson, Hargens, Hennies, Hunhoff, Juhnke, Konold, LaRue, O'Brien, Pederson (Gordon), Peterson (Jim), Rhoden, Sebert, and Teupel and Senators de Hueck, Bogue, Duenwald, Duniphan, Earley, Greenfield, Koetzle, and Vitter

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the establishment of
2 proof of compliance with applicable standards as due care in certain utility negligence
3 claims.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. That § 47-21-75 be amended to read as follows:

6 47-21-75. Construction of electric lines by a cooperative shall ~~as a minimum requirement,~~
7 comply with the standards of the National Electrical Safety Code in effect at the time of ~~such~~
8 the construction; ~~provided, however, that where Y-connected circuits with neutral conductors~~
9 ~~effectively grounded throughout their length are used in the construction or reconstruction of~~
10 ~~electrical distribution or transmission lines, minimum vertical clearance of wires or neutral~~
11 ~~conductors over ground or rails shall be determined by the voltage between the wires and the~~
12 ~~ground, if such voltage does not exceed fifteen thousand volts.~~ Proof of compliance with the
13 requirements of the applicable National Electrical Safety Code establishes due care in the
14 defense of a negligence claim alleging a violation of that standard.



Section 2. That § 31-26-5 be amended to read as follows:

31-26-5. The grantee under § 31-26-1 shall construct and maintain ~~said~~ the grantee's poles, wires, or underground cable and line in accordance with the applicable National Electrical Safety Code adopted by the Bureau of Standards of the United States Department of Commerce. Proof of compliance with the requirements of the applicable National Electrical Safety Code standard establishes due care in the defense of a negligence claim alleging a violation of that standard.

Section 3. That § 31-26-22 be amended to read as follows:

31-26-22. The Transportation Commission may ~~adopt~~ promulgate rules and the Department of Transportation may issue permits, to allow electrical lines, pipelines, communication lines and other utilities, including rural water service pipelines, whether above or below ground, to operate the facilities over, under, or along public grounds, streets, alleys and highways under its jurisdiction in this state. Any rule ~~adopted under~~ promulgated pursuant to this section shall set forth application and issuance of permit criteria and installation standards necessary to preserve a safe traffic environment, the appearance of the highway, and the efficiency and economy of highway maintenance and shall be ~~adopted~~ promulgated pursuant to chapter 1-26. Proof of compliance with the requirements of the applicable National Electrical Safety Code standard establishes due care in the defense of a negligence claim alleging a violation of that standard.

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

159J0083

SENATE HEALTH AND HUMAN SERVICES COMMITTEE ENGROSSED NO. **SB 3** - 01/21/2004

Introduced by: Senators Knudson, Albers, Dempster, Dennert, and Symens and
Representatives Weems, Christensen, Davis, Hackl, Hanson, Hargens,
Hundstad, Koistinen, McCoy, and Wick at the request of the Interim
Committee on Property Tax Exemptions

1 FOR AN ACT ENTITLED, An Act to revise the criteria for congregate housing to be exempt
2 from property taxation.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 10-4-9.3 be amended to read as follows:

5 10-4-9.3. Property owned by any corporation, organization, or society and used primarily
6 for human health care and health care related purposes is exempt from taxation. Such
7 corporation, organization or society ~~must~~ shall be nonprofit and recognized as an exempt
8 organization under section 501(c)(3) of the United States Internal Revenue Code ~~of 1954~~, as
9 amended, and in effect on January 1, ~~1986~~ 2004, and ~~may not have any~~ none of its assets may
10 be available to any private interest. ~~Such~~ The property ~~may~~ shall be a ~~hospital, sanitarium~~ health
11 care facility licensed pursuant to chapter 34-12, orphanage, mental health center or adjustment
12 training center regulated under chapter 27A-5, ~~asylum, home, resort, congregate housing~~ or
13 camp. ~~Congregate housing is health care related if it is an assisted, independent group living~~
14 ~~environment operated by a health care facility licensed under chapter 34-12 which offers~~



~~residential accommodations and supporting services primarily for persons at least sixty-two years of age or disabled as defined under chapter 10-6A. Supporting services must include the ability to provide health care and must include a food service which provides a balanced nutrition program. Such health care~~ The facility ~~must~~ shall admit all persons for treatment consistent with the facility's ability to provide ~~medical~~ health care services required by the patient until ~~such~~ the facility is filled to its ordinary capacity and ~~must~~ conform to all applicable regulations of and permit inspections by the ~~South Dakota Department of Health~~ state as otherwise provided by law.

Section 2. That chapter 10-4 be amended by adding thereto a NEW SECTION to read as follows:

Any congregate housing facility owned by a corporation, organization, or society is exempt from certain property taxes, if the facility provides certain health care services and is recognized as an exempt nonprofit corporation, organization, or society under section 501(c)(3) of the United States Internal Revenue Code, as of January 1, 2004, and if none of its assets are available to any private interest. A congregate housing facility does provide health care services if the facility is an independent group-living environment operated and owned by a health care facility licensed pursuant to chapter 34-12 which offers a continuum of care, residential accommodations, and supporting services primarily for persons at least sixty-two years of age or disabled as defined pursuant to chapter 10-6A. Supporting services include the ability to provide health care and a food service that satisfies a balanced nutrition program. As part of the statement required by § 10-4-19, the owner of the congregate housing facility shall submit a statement to the county director of equalization listing the health cares services provided and method used to satisfy the balanced nutrition program.

In addition, no owner may apply for a property tax exemption for a congregate housing

1 facility constructed after July 1, 2004, unless the congregate housing facility:

2 (1) Consists of two or more individual housing units located within one structure; and

3 (2) Not more than twenty-five percent of the individual housing units exceed fifteen
4 hundred square feet.

5 Section 3. That chapter 10-4 be amended by adding thereto a NEW SECTION to read as
6 follows:

7 For the purposes of section 2 of this Act, the term, continuum of care, means the ability of
8 a licensed health care facility to provide living accommodations to any resident living in a
9 congregate housing facility owned by such health care facility. If the resident requires additional
10 health care services, the health care facility shall have sufficient facilities to permit residents to
11 move into another level of care. This section does not require such health care facility to
12 necessarily offer services normally provided by a hospital.

13 Section 4. That § 10-4-12 be amended to read as follows:

14 10-4-12. If property owned by any health care organization or charitable, benevolent, or
15 religious society described in section 2 of this Act and §§ 10-4-9 to 10-4-9.3, inclusive, other
16 than agricultural land, is used partly by such health care organization or charitable, benevolent,
17 or religious society for health care, charitable, benevolent, or religious purposes, and the
18 remaining part is occupied, rented, or used for other than health care, charitable, benevolent, or
19 religious purposes, ~~such~~ the portion of property as that is so occupied, rented, or used for other
20 ~~than health care, charitable, benevolent, or religious~~ purposes, shall be taxed as other property
21 of the same class is taxed. For the purpose of determining the value of the taxable portion of the
22 property, the appraised value of the entire property shall be multiplied by the percentage of the
23 entire property used for other than health care, charitable, benevolent, or religious purposes. The
24 resulting value shall be multiplied by the percentage of time ~~such~~ the property is used for other

- 1 than health care, charitable, benevolent, or religious purposes. The resulting value shall be the
- 2 assessed value for taxation purposes.

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

400J0325

SENATE APPROPRIATIONS COMMITTEE

ENGROSSED NO. **SB 19** - 02/06/2004

Introduced by: The Committee on Appropriations at the request of the Department of
Agriculture

1 FOR AN ACT ENTITLED, An Act to make an appropriation to the state fair for the repayment
2 of debt and to declare an emergency.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. There is hereby appropriated from the general fund the sum of one million three
5 hundred seventy thousand dollars (\$1,370,000), or so much thereof as may be necessary, to the
6 state fair for the payment of debt incurred by the state fair.

7 Section 2. The secretary of the Department of Agriculture shall approve vouchers and the
8 state auditor shall draw warrants to pay expenditures authorized by this Act.

9 Section 3. Any amounts appropriated in this Act not lawfully expended or obligated by
10 June 30, 2005, shall revert in accordance with § 4-8-21.

11 Section 4. Whereas, this Act is necessary for the support of the state government and its
12 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in
13 full force and effect from and after its passage and approval.



State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

400J0228

SENATE TAXATION COMMITTEE ENGROSSED NO. **SB 29** - 01/23/2004

Introduced by: The Committee on Taxation at the request of the Department of Revenue and Regulation

1 FOR AN ACT ENTITLED, An Act to establish one rate for the telephone gross receipts tax and
2 to provide uniform methods to administer the tax.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 10-33-21 be amended to read as follows:

5 10-33-21. All persons, corporations, cooperatives, and associations engaged in furnishing
6 and providing telephone and exchange service comprising rental and toll service by means of
7 wired circuits and otherwise and whose annual gross receipts are less than fifty million dollars
8 shall be taxed on the basis of gross receipts, ~~according to one of the two following schedules at~~
9 the rate of four percent. Any person, corporation, cooperative, association, or other entity subject
10 to the tax imposed by this section may add the tax imposed, or the average equivalent thereof,
11 to its bill for the service. ~~Whichever schedule provides the lesser percentage of tax shall be~~
12 ~~applied by the Department of Revenue.~~

13 _____ SCHEDULE A

14 Percentage of



1	Average Number of Customers	Tax on
2	Per Mile of Line (Density)	Gross Revenue
3	Not more than 1	2
4	More than 1, but not more than 2	3
5	More than 2	4

6 ~~_____ SCHEDULE B~~

7			Percentage of
8			Tax on
9	Gross Annual Revenue		Gross Revenue
10	Not more than	\$ 15,000	2
11	More than \$15,000, but not more than	20,000	3
12	More than \$20,000, but not more than	50,000,000	4

13 However, no telephone company operating in this state ~~shall~~ may be taxed less than an
14 amount equal to fifty cents per year per telephone serviced. Further, each telephone company
15 that was taxed in the five percent tax category for the calendar year 2001 shall pay an amount
16 of tax to each school district of not less than the tax received by such school district in 2002 for
17 the years 2003 and 2004; ~~and each year thereafter, the tax paid shall be as provided in~~
18 ~~SCHEDULE A or SCHEDULE B of this section.~~

19 Section 2. That § 10-33-22 be amended to read as follows:

20 10-33-22. ~~The term, average number of customers per mile of line (density), as used in~~
21 ~~§ 10-33-21 means total number of subscribers, customers, or patrons in this state, divided by~~
22 ~~the total number of miles of line of such person, company, corporation, cooperative, or~~
23 ~~association in this state. The term, line, as used in §§ 10-33-21 and 10-33-22 shall not~~
24 ~~necessarily mean a single circuit but shall be the aggregate of all communications transmission~~
25 ~~circuits, voice or otherwise, and associated attachments and appurtenances thereto. Such~~

1 ~~persons, corporations, cooperatives, and associations are herein referred to as "companies."~~ The
2 term, company, means any person, corporation, cooperative, association, or other entity
3 providing telephone and exchange service, rental and toll service.

4 Section 3. That § 10-33-27 be amended to read as follows:

5 10-33-27. If the tax levied under § 10-33-21 is not paid on the due date a penalty of up to
6 five percent of the amount of the tax ~~shall~~ may be imposed for each month of delinquency, and
7 if any telephone company ~~shall fail~~ fails to report its gross receipts to the secretary of revenue
8 and regulation, ~~said the~~ the company ~~shall~~ may be penalized up to twenty-five percent of the tax
9 due. ~~Provided, further, that such~~ Such tax may be enforced and collected by distress and sale of
10 the personal and real property of such company in the same manner as is now provided for the
11 collection of real property taxes and mobile home taxes pursuant to chapter 10-22. The tax
12 levied under § 10-33-21 shall be administered pursuant to chapter 10-59, unless a contrary
13 provision in this chapter applies.

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

400J0354

HOUSE COMMERCE COMMITTEE ENGROSSED NO. **SB 37** - 02/12/2004

Introduced by: The Committee on Commerce at the request of the Department of Revenue
and Regulation

1 FOR AN ACT ENTITLED, An Act to provide for the filing and usage of certain property
2 casualty rates and to exempt certain size risks from rate and form approval.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. For the purposes of this Act, the term, exempt commercial policyholder, means
5 any person who applies for or procures any kind of property casualty insurance, except title or
6 workers' compensation insurance, through the use of a risk manager employed or retained by
7 such person, and meets at least two of the following qualifications:

- 8 (1) Has purchased the insurance with aggregate premiums in the sum of at least one
9 hundred thousand dollars during the most recently completed calendar year;
- 10 (2) Has a net worth of at least ten million dollars as reported in the policyholder's most
11 recently issued financial statement, reviewed or audited by an independent certified
12 public accountant;
- 13 (3) Has annual net revenues or net sales of at least ten million dollars as reported in the
14 policyholder's most recently issued financial statement, reviewed or audited by an
15 independent certified public accountant;



(4) Employs at least one hundred full-time employees, either individually or, if the policyholder is a member of an affiliated group, collectively with all members of the affiliated group;

(5) Has, if the policyholder is a nonprofit organization, an annual operating budget of at least two million five hundred thousand dollars for the most recently completed calendar or fiscal year, whichever applies;

(6) Has, if the policyholder is a public entity, an operating budget of at least ten million dollars for the most recently completed calendar or fiscal year, whichever applies; or

(7) Has, if the policyholder is a municipality, a population of at least twenty thousand.

Section 2. For the purposes of this Act, the term, risk manager, means an employee of the exempt commercial policyholder, or a third-party consultant retained by the policyholder who provides skilled services in loss prevention, loss reduction, or risk and insurance coverage analysis, and the purchase of insurance, and who possesses at least one of the following credentials:

(1) A bachelor's or higher degree in risk management issued by an accredited college or university;

(2) A designation as a chartered property and casualty underwriter issued by the American Institute for Chartered Property and Casualty Underwriters and Insurance Institute of America;

(3) A designation as an associate in risk management issued by the American Institute for Chartered Property and Casualty Underwriters and Insurance Institute of America;

(4) A designation as a certified risk manager issued by the National Alliance for Insurance Education and Research;

- 1 (5) A designation as a fellow in risk management or RIMS fellow issued by the Global
2 Risk Management Institute; or
- 3 (6) At least seven years of experience in one or more of the following areas of
4 commercial property and casualty insurance:
- 5 (a) Risk financing;
- 6 (b) Claims administration;
- 7 (c) Loss prevention; or
- 8 (d) Risk and insurance coverage analysis.

9 Section 3. That chapter 58-24 be amended by adding thereto a NEW SECTION to read as
10 follows:

11 An insurer issuing a policy to an exempt commercial policyholder is exempt, except as
12 provided for in this Act, from the rate filing requirements of chapter 58-24 and the form filing
13 requirements of § 58-11-12. At the time of soliciting an exempt commercial policyholder to
14 purchase insurance, the insurance producer, or the insurer in the case of a direct procurement
15 from the insurer, shall disclose to the policyholder and the policyholder's risk manager, on a
16 form created by the insurer, that a premium or rate may be quoted or a policy form may be used
17 that is not subject to the rate and form filing requirements of the Division of Insurance.

18 Section 4. That chapter 58-24 be amended by adding thereto a NEW SECTION to read as
19 follows:

20 If a third-party consultant is retained by the exempt commercial policyholder to act as the
21 policyholder's risk manager when a quote for insurance is delivered to the policyholder, the
22 consultant shall disclose, in writing, the existence of any commission, fee, or contingency
23 arrangement the third-party consultant has with the insurer.

24 Section 5. That chapter 58-24 be amended by adding thereto a NEW SECTION to read as

1 follows:

2 The director may promulgate rules, pursuant to chapter 1-26, to carry out the provisions of
3 this Act to ensure that insurers make policyholders aware of their exempt status and that insurers
4 keep separate records of exempt policies. The rules may include certification, record keeping,
5 and notices.

6 Section 6. That chapter 58-24 be amended by adding thereto a NEW SECTION to read as
7 follows:

8 The insurer shall maintain copies of the disclosures required by this Act. The copies are
9 subject to examination. The insurer shall provide the copies to the division upon request as
10 provided by this title.

11 Section 7. That chapter 58-24 be amended by adding thereto a NEW SECTION to read as
12 follows:

13 Any insurer who sells any kind of insurance to an exempt commercial policyholder shall
14 maintain records relating to the insurance sales as required by this Act. At a minimum, the
15 records shall include: any data, statistics, rates, rating plans, rating systems, and underwriting
16 rules used in underwriting and issuing such policies; claims-made policy forms; annual
17 experience data on each risk insured, including written premiums, written premiums at a manual
18 rate, paid losses, outstanding losses, loss adjustment expenses, underwriting expenses,
19 underwriting profits, and profits from contingencies; and complaint information required under
20 South Dakota law.

21 The insurer shall maintain the records for five years. The insurer shall make such records
22 available for examination by the director at any reasonable hour.

23 Section 8. That § 58-24-10 be amended to read as follows:

24 58-24-10. Every insurer shall file with the director of the Division of Insurance every

1 manual, minimum, class rate, rating schedule, or rating plan and every other rating rule, and
2 every modification of any of the foregoing which it proposes to use. Every such filing shall state
3 the proposed effective date thereof, and shall indicate the character and extent of the coverage
4 contemplated. The filing date is the effective date thereof unless the insurer proposes an
5 effective date subsequent to the filing date.

6 This section does not apply to:

- 7 (1) Inland marine risks which by general custom of the business are not written
8 according to manual rates or rating plans; or
9 (2) Automobile and other motor vehicle insurance subject to § 58-24-10.1.

10 Section 9. That § 58-24-11 be repealed.

11 ~~58-24-11. Under the rules as the director shall adopt, the director may, by written order,~~
12 ~~suspend or modify the requirement of filing as to any kind of insurance, subdivision, or~~
13 ~~combination thereof, or as to classes of risks, the rates for which cannot practicably be filed~~
14 ~~before they are used. Such orders or rules shall be made known to insurers and rating~~
15 ~~organizations affected thereby. The director may make such examination as he may deem~~
16 ~~advisable to ascertain whether any rates affected by such order meet the standards set forth in~~
17 ~~§ 58-24-6.~~

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

400J0411

SENATE ENGROSSED NO. **SB 47** - 01/27/2004

Introduced by: The Committee on Appropriations at the request of the Board of Regents

1 FOR AN ACT ENTITLED, An Act to revise the bonding provisions on certain Board of
2 Regents capital projects.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That subdivision (1) of section 3 of chapter 95 of the 2001 Session Laws be
5 amended to read as follows:

6 (1) The Cook classroom renovation or replacement space at Black Hills State University
7 in Spearfish, South Dakota, for an estimated cost of eight million two hundred fifty
8 thousand dollars provided that, in no event, may the building authority issue bonds
9 for more than two million ~~five hundred thousand~~ eight hundred six thousand eight
10 hundred seventy-eight dollars, for the Cook classroom renovation or replacement
11 space;

12 Section 2. That subdivision (2) of section 3 of chapter 95 of the 2001 Session Laws be
13 amended to read as follows:

14 (2) The technology classroom building renovation or replacement space at Dakota State
15 University in Madison, South Dakota, for an estimated cost of two million ~~five~~
16 ~~hundred thousand~~ one hundred ninety-three thousand one hundred twenty-two



1 dollars;

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

400J0233

HOUSE EDUCATION COMMITTEE ENGROSSED NO. **SB 50** - 02/12/2004

Introduced by: The Committee on Education at the request of the Department of Education

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the amount of time
2 graduating seniors may be released prior to the end of school.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 13-26-2 be amended to read as follows:

5 13-26-2. The school board or governing body shall operate grades one through twelve in its
6 schools for at least a nine-month regular term in any one school year. The regular school term
7 may be conducted on a year-round basis and shall begin on a date established by the school
8 board. The Board of Education shall promulgate rules pursuant to chapter 1-26 governing the
9 operation and scheduling of year-round schools. Any school board or governing body may
10 release graduating high school seniors from school before the end of the regular term ~~if the~~
11 ~~release is for no more than three school days.~~ Make up time for school closing because of
12 weather, disease, or emergency need not exceed ten school days. Graduating seniors are excused
13 from make up time if the make up time occurs after the students have graduated or after
14 graduation exercises have been held. If classes have been convened and then are dismissed, or
15 if classes convene at a time later in the day than normal, because of inclement weather, that day



1 constitutes a school day in session equal to the number of hours planned for that day as
2 established in the local school district calendar for the year.

3 School boards are encouraged to provide time within the regular school term for curriculum
4 and staff development which shall be in addition to the time required in this section. Each
5 school board shall determine the appropriate amount of time for this activity and how best to
6 use the time based on local needs for program development, increased parent participation,
7 student contact, teachers' preparation, or other needs of the schools in the district. School ~~shall~~
8 ~~be~~ is in session only when classes are held and as provided in §§ 13-26-4 and 13-26-4.1. A
9 school board may operate a special term during the summer months.

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

400J0331

SENATE HEALTH AND HUMAN SERVICES COMMITTEE ENGROSSED NO. **SB 51** - 01/21/2004

Introduced by: The Committee on Health and Human Services at the request of the
Department of Human Services

1 FOR AN ACT ENTITLED, An Act to create the South Dakota Certification Board for Alcohol
2 and Drug Professionals and to provide for its powers and duties.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. Terms used in this Act mean:

5 (1) "Board," the South Dakota Certification Board for Alcohol and Drug Professionals;
6 and

7 (2) "Practitioner," a person certified under this Act in the practice of chemical
8 dependency counseling or prevention services who holds himself or herself out to the
9 public by any title or description of services which uses the words certified chemical
10 dependency counselor or certified prevention specialist or derivatives thereof.

11 Section 2. That § 36-32-11 be amended to read as follows:

12 36-32-11. No person may represent himself or herself as a licensed or certified chemical
13 dependency counselor (CCDC) or certified prevention specialist unless he the person is certified
14 by the South Dakota ~~Chemical Dependency Counselor~~ Certification Board for Alcohol and Drug
15 Professionals.



1 Section 3. There is hereby created the South Dakota Certification Board for Alcohol and
2 Drug Professionals that consists of nine members. One member shall be a lay member and
3 resident of the state; one member shall be an educator from an addiction studies postsecondary
4 education program; four members shall be certified chemical dependency counselors in active
5 practice within the state and broadly representing a cross section of the profession of chemical
6 dependency counseling; one member shall be a certified prevention specialist; one member shall
7 be an attorney licensed to practice law in the State of South Dakota; and one member shall be
8 a certified practitioner who is an enrolled member of a tribe. This board replaces the functions
9 previously performed by the South Dakota Chemical Dependency Counselor Certification
10 Board, a private nonprofit entity doing business as the Certification Board for Alcohol and Drug
11 Professionals.

12 Section 4. The Governor shall appoint the members to the board. Initial appointments to the
13 board shall be staggered for terms of one, two, and three years, with three members appointed
14 for one year, three members appointed for two years, and three members appointed for three
15 years. Thereafter, appointments shall be for terms of three years beginning on the first day of
16 July.

17 Section 5. The Governor may remove any member of the board for cause. If there is a
18 vacancy on the board caused by the death, resignation, removal from the state of any member,
19 or for any other reason, the Governor shall appoint a new member to serve the unexpired term.
20 No member of the board may serve for more than two successive full terms.

21 Section 6. The initial meeting of the board shall occur at Pierre, South Dakota, within one
22 month after the appointment of the ninth member. The board shall elect a chair, vice-chair, and
23 a secretary-treasurer from its members. Thereafter the board shall elect officers annually. The
24 board shall meet at least once a year at a place and time determined by the chair. However, a

majority of the board may call a meeting without the assent of the chair.

Section 7. The secretary of the board shall provide for taking and keeping the minutes of all board meetings.

Section 8. A majority of board members constitutes a quorum. A majority vote of those present constitutes a decision of the entire board.

Section 9. The board is within the Department of Human Services. The department shall provide all administrative functions other than those of the board member serving as secretary. The expenses of the department shall be paid from the account established in section 10 of this Act, on vouchers approved by the secretary of human services. The board shall submit an annual report and such records, information, and reports in the form and at such times as required by the secretary of human services.

Section 10. The board may accept any funds which may be made available to it from any source. All funds received by the board shall be paid to the state treasurer on or before the tenth day of the next month. The state treasurer shall keep the money in a separate account for the board. The money in that account is continuously appropriated to the board for administering and enforcing this Act. The board may expend funds for administrative, consultant, secretarial, clerical, and stenographic services for the board. No expense may be incurred by the board exceeding the total money collected by the board under the provisions of this Act. The board shall transfer preexisting funds of the South Dakota Chemical Dependency Counselor Certification Board the entity doing business as the Certification Board for Alcohol and Drug Professionals into the account established in this Act.

Section 11. The board members shall be paid pursuant to § 3-9-2.

Section 12. No member of the board is civilly liable for any act taken while acting within the scope of the member's official duties as a board member.

Section 13. The board shall:

- (1) Through its policies and activities, and by rules promulgated pursuant to chapter 1-26, establish standards for, and promote, the qualified practice of chemical dependency prevention and counseling services;
- (2) Be responsible for all disciplinary proceedings under this Act;
- (3) Establish, by rules promulgated pursuant to chapter 1-26, educational, training and competency, and ethical standards governing the examination and practice of practitioners under this Act;
- (4) Examine, or cause to be examined, for competency, eligible applicants, for certification to practice chemical dependency prevention and counseling services;
- (5) Issue certificates to those applicants who successfully complete the certification requirements and renew the certifications of those practitioners who continue to meet the certification standards of this Act;
- (6) Register, pursuant to rules promulgated pursuant to chapter 1-26, those applicants who successfully complete the certification requirements; and
- (7) Establish and collect, pursuant to rules promulgated pursuant to chapter 1-26, fees for certification, registration, examination, continuing education, certificate renewal, and reinstatement.

Section 14. The board may promulgate rules, pursuant to chapter 1-26, to provide fees for all examinations, certifications, recognitions, renewals, services, and charges authorized by this Act. The fees may not exceed the following maximums:

- (1) Application materials or portfolio reviews, twenty-five dollars;
- (2) Chemical dependency counselor certification application and examination fee, two hundred fifty dollars;

- 1 (3) Chemical dependency counselor certification retest fee, two hundred dollars;
- 2 (4) Chemical dependency counselor certification renewal fee, one hundred fifty dollars;
- 3 (5) Chemical dependency counselor certification level upgrade, one hundred fifty
- 4 dollars;
- 5 (6) Chemical dependency counselor replacement or duplicate certificate, fifteen dollars;
- 6 (7) Chemical dependency counselor certification replacement card, five dollars;
- 7 (8) Chemical dependency counselor trainee recognition fee, one hundred fifty dollars;
- 8 (9) Chemical dependency counselor trainee renewal fee, one hundred dollars;
- 9 (10) Chemical dependency counselor trainee replacement or duplicate certificate fee,
- 10 fifteen dollars;
- 11 (11) Prevention specialist certification application and examination fee, two hundred fifty
- 12 dollars;
- 13 (12) Prevention specialist certification retest fee, two hundred dollars;
- 14 (13) Prevention specialist certification renewal fee, one hundred fifty dollars;
- 15 (14) Prevention specialist replacement or duplicate certificate, fifteen dollars;
- 16 (15) Prevention specialist certification replacement card, five dollars;
- 17 (16) Prevention specialist trainee recognition fee, one hundred fifty dollars;
- 18 (17) Prevention specialist trainee renewal fee, one hundred dollars;
- 19 (18) Prevention specialist trainee replacement or duplicate certificate fee, fifteen dollars;
- 20 (19) Trainee intern replacement certificate, fifteen dollars;
- 21 (20) Trainee intern replacement certificate, fifteen dollars;
- 22 (21) Registration as a continuing education provider, twenty-five dollars; and
- 23 (22) Mailing labels charge, one hundred dollars.

24 Section 15. A chemical dependency counselor trainee may perform chemical dependency

1 counseling services so long as the trainee is working under the supervision of a certified
2 chemical dependency counselor.

3 Section 16. A prevention specialist trainee may perform prevention services so long as the
4 trainee is working under the supervision of a certified prevention specialist or certified chemical
5 dependency counselor, level II or III.

6 Section 17. The board may use its own staff or employ certified chemical dependency
7 counselors, certified prevention specialists, agents, or investigators to assist in the enforcement
8 of this Act or any rule promulgated by the board. Any person violating the provisions of this Act
9 may be enjoined from further violations by an action brought by the state's attorney of the
10 county where the violations occurred or by an action brought by any citizen in the state. The
11 attorney general, the board, or the state's attorney may apply to the circuit court for the county
12 in which a violation of this Act is alleged to have occurred for an order enjoining or restraining
13 the commission or continuance of the acts. The board may authorize a hearing examiner to
14 conduct the hearing required to determine a violation of this Act.

15 Section 18. The board may, if it deems best for the enforcement of this Act or in the conduct
16 of its duties, employ an attorney designated by the attorney general and subject to the
17 supervision, control, and direction of the attorney general. The board shall fix and determine the
18 compensation and period of service of the attorney who shall be paid out of the funds of the
19 board.

20 Section 19. The board shall receive complaints from its members, consumers, third party
21 carriers providing financial reimbursement for chemical dependency prevention or counseling
22 services, or the public concerning a practitioner's professional practices. Each complaint
23 received shall be logged by the secretary-treasurer recording the practitioner's name, name of
24 the complaining party, date of the complaint, a brief statement of the complaint, and its ultimate

1 disposition. The board shall investigate each alleged violation of this Act. All disciplinary
2 proceedings held under the authority of this Act shall be conducted in accordance with chapter
3 1-26.

4 Section 20. The decision of the board to suspend or revoke a certification requires a majority
5 vote of all the board members.

6 Section 21. If the board determines that any complaint is frivolous or clearly unfounded in
7 fact, the board may dismiss the complaint and, by a separate and unanimous vote of the board,
8 may expunge the complaint from the record of the certified practitioner.

9 Section 22. Any practitioner subject to this Act shall practice in accordance with the
10 standards established by the board and is subject to the exercise of the disciplinary sanctions
11 enumerated in section 24 of this Act if, after a hearing in the manner provided in chapter 1-26,
12 the board finds that:

- 13 (1) A practitioner has employed or knowingly cooperated in fraud or material deception
14 in order to obtain a certification to practice the profession, or has engaged in fraud
15 or material deception in the course of professional services or activities;
- 16 (2) A practitioner has been convicted in any court of a felony;
- 17 (3) A practitioner has engaged in or permitted the performance of unacceptable patient
18 care by the practitioner or by auxiliaries working under the practitioner's supervision
19 due to any deliberate or negligent act or failure to act;
- 20 (4) A practitioner has knowingly violated any provision of this Act or board rules;
- 21 (5) A practitioner has continued to practice although the practitioner has become unfit
22 to practice due to professional incompetence, failure to keep abreast of current
23 professional theory or practice, physical or mental disability, or addiction or severe
24 dependency upon or use of alcohol or other drugs which endanger the public by

1 impairing a practitioner's ability to practice safely;

2 (6) A practitioner has engaged in lewd or immoral conduct in connection with the
3 delivery of chemical dependency or prevention services to consumers;

4 (7) A practitioner has or is employing or assisting an uncertified person to hold himself
5 or herself out as a certified chemical dependency counselor or certified prevention
6 specialist; or

7 (8) A practitioner has engaged in false or misleading advertising.

8 No suspension or revocation may be based on a judgment as to therapeutic value of any
9 individual treatment rendered, but only upon a repeated pattern or trend of treatment resulting
10 in unacceptable results.

11 Section 23. The board may, in a disciplinary proceeding, order a practitioner to submit to
12 a reasonable physical or mental examination if the practitioner's physical or mental capacity to
13 practice safely is at issue. Failure to comply with a board order to submit to a physical or mental
14 examination renders a practitioner liable to the summary revocation procedures described in
15 section 25 of this Act.

16 Section 24. The board may impose any of the following sanctions, singly or in combination,
17 if the board finds that a practitioner has violated any part of section 22 of this Act:

18 (1) Revoke a practitioner's certification to practice for an indefinite length of time;

19 (2) Suspend a practitioner's certification for a specific or indefinite length of time;

20 (3) Censure a practitioner;

21 (4) Issue a letter of reprimand;

22 (5) Place a practitioner on probationary status and require the practitioner to report
23 regularly to the board on the matters which are the basis for probation;

24 (6) Limit the practitioner's practice to areas prescribed by the board and continue to

1 renew professional education until a satisfactory degree of skill has been attained in
2 those areas which are the basis of the probation;

3 (7) Require the practitioner to reimburse the board in an amount equal to the costs
4 incurred for the investigation and disciplinary hearing.

5 The board may withdraw the probation if the board finds the deficiencies that resulted in
6 disciplinary action have been remedied.

7 Certification shall remain in effect during the pendency of an appeal unless suspended under
8 section 25 of this Act.

9 Section 25. The board may summarily suspend a practitioner's certification in advance of
10 a final adjudication or during the appeals process if the board finds that a practitioner would
11 represent a clear and immediate danger to the public health and safety if the practitioner were
12 allowed to continue to practice. A practitioner whose certification is suspended under this
13 section is entitled to a hearing before the board within twenty days after the effective date of the
14 suspension. The practitioner may subsequently appeal the suspension to circuit court in
15 accordance with chapter 1-26.

16 Section 26. Any practitioner whose certification or registration to practice has been
17 suspended or revoked may be reinstated or a new certification or registration may be issued, as
18 the case may be, if in the discretion of the board, such action is warranted. The board may
19 require the applicant to pay all costs of the proceedings resulting in the applicant's suspension
20 or revocation of certification or registration and reinstatement or new certification or
21 registration. In addition, the board may, by rule promulgated pursuant to chapter 1-26, require
22 a fee for reinstatement, not to exceed one hundred fifty dollars.

23 Section 27. In the prosecution of any person for violation of this Act, it is not necessary to
24 allege or prove lack of valid certification. Proof of certification or registration is a matter of

1 defense to be established by the defendant.

2 Section 28. Nothing in this Act may be construed to limit the ongoing certification of any
3 person at the level of certification and for the time period established under the former South
4 Dakota Chemical Dependency Counselor Certification Board doing business as the Certification
5 Board for Alcohol and Drug Professionals

6 Section 29. That subdivision (4) of § 34-20A-2 be amended to read as follows:

7 (4) "Chemical dependency counselor," a level II or III counselor certified by the South
8 Dakota ~~Chemical Dependency Counselor Certification Board, Incorporated for~~
9 Alcohol and Drug Professionals;

10

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

580J0408

SENATE JUDICIARY COMMITTEE ENGROSSED NO. **SB 66** - 01/21/2004

Introduced by: Senators Olson (Ed), Albers, Dempster, Earley, Ham-Burr, Reedy, and Sutton (Dan) and Representatives Olson (Mel), Adelstein, Hennies, Hunhoff, Sebert, Solum, and Thompson

1 FOR AN ACT ENTITLED, An Act to revise the definition of an abused or neglected child to
2 include exposure to the manufacturing of methamphetamines.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 26-8A-2 be amended to read as follows:

5 26-8A-2. In this chapter and chapter 26-7A, the term, abused or neglected child, means a
6 child:

7 (1) Whose parent, guardian, or custodian; has abandoned the child or has subjected the
8 child to mistreatment or abuse;

9 (2) Who lacks proper parental care through the actions or omissions of the child's parent,
10 guardian, or custodian;

11 (3) Whose environment is injurious to the child's welfare;

12 (4) Whose parent, guardian, or custodian fails or refuses to provide proper or necessary
13 subsistence, supervision, education, medical care, or any other care necessary for the
14 child's health, guidance, or well-being;



- 1 (5) Who is homeless, without proper care, or not domiciled with the child's parent,
2 guardian, or custodian through no fault of the child's parent, guardian, or custodian;
- 3 (6) Who is threatened with substantial harm;
- 4 (7) Who has sustained emotional harm or mental injury as indicated by an injury to the
5 child's intellectual or psychological capacity evidenced by an observable and
6 substantial impairment in the child's ability to function within the child's normal
7 range of performance and behavior, with due regard to the child's culture;
- 8 (8) Who is subject to sexual abuse, sexual molestation, or sexual exploitation by the
9 child's parent, guardian, custodian, or any other person responsible for the child's
10 care; ~~or~~
- 11 (9) Who was subject to prenatal exposure to abusive use of alcohol or any controlled
12 drug or substance not lawfully prescribed by a practitioner as authorized by chapters
13 22-42 and 34-20B; or
- 14 (10) Whose parent, guardian, or custodian has knowingly exposed the child to an
15 environment used for the manufacturing of methamphetamines.

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

663J0336

HOUSE TAXATION COMMITTEE ENGROSSED NO. **SB 86** - 02/12/2004

Introduced by: Senators Symens, Dempster, Ham-Burr, Koskan, and Moore and
Representatives Hanson, Pederson (Gordon), Sebert, and Sigdestad

1 FOR AN ACT ENTITLED, An Act to revise the requirements for determining whether
2 dwellings are eligible to be classified as owner-occupied single-family dwellings and to
3 repeal certain outdated provisions concerning the property tax relief program.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. That § 10-13-40 be amended to read as follows:

6 10-13-40. To be eligible for a property classification pursuant to § 10-13-39, the owner of
7 each owner-occupied dwelling, as defined in § 10-13-39, shall submit a certificate to the county
8 director of equalization stating such person is the owner and occupant of the dwelling as of the
9 assessment date pursuant to § 10-6-2 and that the dwelling is the owner's principal residence.
10 For purposes of this section, principal residence is the residence occupied by the owner for more
11 than half of the year. If the owner occupies two or more dwellings during an assessment year,
12 the owner shall provide the location of any other dwelling that the owner occupies when
13 submitting the certificate. The director of equalization may request appropriate documentation
14 from the owner when making the determination of eligibility. Any person may submit
15 information to the director of equalization that contests whether a dwelling is eligible to be



1 classified as an owner-occupied single-family dwelling. The director of equalization shall
2 review such information and make a determination of eligibility. The owner shall state on the
3 certificate the portion of the dwelling so occupied by the owner if it is less than fifty percent of
4 the dwelling or if the dwelling is a duplex, triplex, or fourplex. The owner-occupant shall submit
5 the certificate by March fifteenth. The owner of each manufactured or mobile home as defined
6 in § 32-3-1, shall submit a certificate to the county director of equalization stating such person
7 is the owner and occupant of the dwelling as of the assessment date. The owner-occupant of
8 each manufactured or mobile home shall submit the certificate during the time of registration
9 pursuant to §§ 10-9-3 to 10-9-4, inclusive. If the owner-occupant of a manufactured or mobile
10 home fails to submit the certificate by the date or time frame required pursuant to §§ 10-9-3 to
11 10-9-4, inclusive, it does not affect the eligibility of the property to be classified as an
12 owner-occupied dwelling. The owner-occupant shall sign the certificate under penalty of
13 perjury. If the director of equalization classifies the property, mobile home, or manufactured
14 home as owner-occupied single-family dwelling, it shall retain the classification until such time
15 as the property ownership is transferred or the property has a change in use. The new
16 owner-occupant of transferred property which is already classified as owner-occupied may meet
17 the requirements of this section by completing and filing the certificate of value required
18 pursuant to § 7-9-7 at the time of the transfer of the property. If the legal description of property
19 is changed or amended and the owner continues to reside in the dwelling that is classified as a
20 owner-occupied single-family dwelling, the owner shall retain the owner-occupied single-family
21 dwelling classification. The Department of Revenue and Regulation shall prescribe the form of
22 the certificate and the certificate of value required pursuant to § 7-9-7. Appeals regarding the
23 owner-occupied classification shall be made directly to the county board of equalization
24 pursuant to § 10-11-23.

1 Section 2. For the 2005 assessment year, the director of equalization in each county shall
2 review all properties classified as owner-occupied to determine that the property is the owner's
3 principal residence.

4 Section 3. That § 10-13-40.1 be repealed.

5 ~~10-13-40.1. Any person who physically delivered a certificate before August 1, 1995, to the~~
6 ~~county director of equalization or other county office located within the county courthouse~~
7 ~~stating such person was the owner and occupant of the dwelling as of July first of that year, and~~
8 ~~if such application was subsequently lost at the courthouse, the person may submit an affidavit~~
9 ~~under oath identifying the person who physically delivered the certificate and the specific~~
10 ~~location of delivery as well as the individual who received the certificate, either by name or~~
11 ~~physical description, and further affirming the following:~~

12 ~~— (1) — That a certificate was physically delivered to the county director of equalization or~~
13 ~~other county officer located within the county courthouse before August 1, 1995;~~

14 ~~— (2) — That the certificate was subsequently lost at the courthouse; and~~

15 ~~— (3) — That the person meets the requirements defined in § 10-13-40.~~

16 ~~— The owner-occupant shall submit the affidavit before April 1, 1996. Each owner-occupied~~
17 ~~dwelling shall be reviewed and classified for the purpose of taxation in the same manner as the~~
18 ~~certifications for owner-occupied dwellings submitted before August first to be eligible for the~~
19 ~~property tax credit to be received in calendar year 1996. Any person who makes a false~~
20 ~~statement in the affidavit is guilty of perjury and subject to a felony conviction pursuant to~~
21 ~~§ 22-29-5.~~

22 Section 4. That § 10-13-40.2 be repealed.

23 ~~10-13-40.2. The county auditor shall submit a list to the Department of Revenue and~~
24 ~~Regulation of the owner-occupied dwellings that are classified pursuant to § 10-13-40.1 to be~~

1 ~~eligible for the property tax credit. The Department of Revenue and Regulation shall refund the~~
2 ~~property tax credit to the owner-occupant after November 1, 1996, upon confirmation from the~~
3 ~~county auditor or county treasurer that the owner-occupant has paid the property taxes in full~~
4 ~~for the dwelling.~~

5 Section 5. That § 10-13-41 be repealed.

6 ~~—10-13-41. An owner of agricultural property shall receive a twenty percent credit toward the~~
7 ~~property taxes payable in 1996, excluding special assessments payable in 1996. For the purposes~~
8 ~~of this section, agricultural property includes agricultural structures located on agricultural land.~~

State of South Dakota

SEVENTY-NINTH SESSION LEGISLATIVE ASSEMBLY, 2004

636J0616

SENATE ENGROSSED NO. **SB 104** - 02/05/2004

Introduced by: Senators Knudson, Earley, Kelly, McCracken, Schoenbeck, and Sutton (Dan)
and Representatives Madsen, Christensen, Glenski, Heineman, Hunhoff,
McLaughlin, Nesselhuf, Schafer, and Weems

1 FOR AN ACT ENTITLED, An Act to provide certain economic development incentives in
2 specified areas.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 13-13-10.2 be amended to read as follows:

5 13-13-10.2. The assessed value as determined in § 13-13-10.1 of any property in a tax
6 incremental district formed on or before December 31, 1994, and created pursuant to chapter
7 11-9 is the tax incremental base, as defined in § 11-9-19 until the tax incremental district ceases
8 to exist as provided in § 11-9-46. The assessed values, as determined in § 13-13-10.1 of any
9 property in a tax incremental district formed after December 31, 1994, and created pursuant to
10 chapter 11-9, is the total assessed value of the property determined by the Department of
11 Revenue and Regulation pursuant to § 11-9-24, until the tax incremental district ceases to exist
12 as provided in § 11-9-46. The provisions of this chapter do not apply to any tax incremental
13 district created after December 31, 1994, for industrial purposes. For the purposes of this
14 chapter, industrial includes only those activities generally recognized as industrial by zoning
15 authorities within the state, including any factory or any business engaged primarily in the



1 manufacturing or assembly of goods, the processing of raw materials, and the wholesale
2 distribution of products for resale. The provisions of this chapter do not apply to any tax
3 incremental district created after December 31, 2003, for economic development purposes. For
4 the purposes of this chapter, economic development includes any area where there is or will be
5 one or more businesses engaged in any activity defined as commercial or industrial by the
6 governing body that has zoning authority over the land contained within the tax incremental
7 district.

8 Section 2. That § 11-9-8 be amended to read as follows:

9 11-9-8. ~~In order to~~ To implement the provisions of this chapter, the resolution required by
10 § 11-9-5 shall contain findings that:

11 (1) Not less than twenty-five percent, by area, of the real property within the district is
12 a blighted area; and

13 (2) The improvement of the area is likely to enhance significantly the value of
14 substantially all of the other real property in the district;

15 ~~— (3) — If the municipality is a county, there are, or there is a reasonable likelihood that there~~
16 ~~will be, one or more businesses engaged in manufacturing or in the transportation,~~
17 ~~storage, processing, or sale of agricultural products, located within the district.~~

18 It is not necessary to identify the specific parcels meeting the criteria. No county may create
19 a tax incremental district located, in whole or in part, within a municipality, unless the
20 governing body of such municipality has consented thereto by resolution.

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

346J0241

HOUSE HEALTH AND HUMAN SERVICES

COMMITTEE ENGROSSED NO. **SB 127** - 02/13/2004

This bill has been extensively amended (houghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: Senators Dempster, Brown, Duenwald, Ham-Burr, and Sutton (Dan) and
Representatives Rave, Cutler, Heineman, and Williamson

1 FOR AN ACT ENTITLED, An Act to require certain hospitals to provide prices for certain
2 procedures.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 34-12E be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Any hospital licensed pursuant to chapter 34-12, other than a critical access hospital, shall
7 maintain a price list of the twenty-five most common inpatient diagnostic-related group and
8 principal procedures and the twenty-five most common outpatient principal surgical procedures
9 rendered by the hospital. The price list may include a disclaimer regarding changes or other
10 factors that may affect actual charges for services rendered.

11 Any hospital licensed pursuant to chapter 34-12, other than a critical access hospital, shall
12 also maintain a price list of the twenty-five inpatient diagnostic-related group and principal
13 procedures and the twenty-five outpatient principal surgical procedures that yield the most gross
14 receipts each year. The price list may include a disclaimer regarding changes or other factors



1 that may affect actual charges for services rendered.

2 The hospital shall distribute the price lists on a publicly accessible site on the internet. Upon
3 request by a consumer, the hospital shall provide the price lists by first class mail or electronic
4 mail, as requested.

5 Section 2. For the purposes of this Act, the term, price, is that amount that a hospital would
6 expect to charge for the inpatient diagnostic-related group and principal procedures and
7 outpatient principal surgical procedures. The price shall also include the median price for the
8 procedures over the last calendar year.

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

763J0685

SENATE COMMERCE COMMITTEE ENGROSSED NO.

SB 148 - 02/04/2004

Introduced by: Senators Dempster and Sutton (Dan) and Representatives Williamson and Engels

1 FOR AN ACT ENTITLED, An Act to repeal and reenact the standard nonforfeiture statute for
2 individual deferred annuities.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That §§ 58-15-72 to 58-15-81, inclusive, be repealed.

5 Section 2. That chapter 58-15 be amended by adding thereto a NEW SECTION to read as
6 follows:

7 This Act does not apply to any reinsurance, group annuity purchased under a retirement plan
8 or plan of deferred compensation established or maintained by an employer (including a
9 partnership or sole proprietorship) or by an employee organization, or by both, other than a plan
10 providing individual retirement accounts or individual retirement annuities under Section 408
11 of the Internal Revenue Code, as amended to January 1, 1977, premium deposit fund, variable
12 annuity, investment annuity, immediate annuity, any deferred annuity contract after annuity
13 payments have commenced, or reversionary annuity, nor to any contract which shall be
14 delivered outside this state through an agent or other representative of the company issuing the
15 contract.



1 Section 3. That chapter 58-15 be amended by adding thereto a NEW SECTION to read as
2 follows:

3 In the case of contracts issued on or after the operative date of this Act as defined in section
4 13 of this Act, no contract of annuity, except as stated in section 2 of this Act, may be delivered
5 or issued for delivery in this state unless it contains in substance the following provisions, or
6 corresponding provisions which in the opinion of the director are at least as favorable to the
7 contractholder, upon cessation of payment of considerations under the contract:

8 (1) That upon cessation of payment of considerations under a contract, or upon the
9 written request of the contract owner, the company shall grant a paid-up annuity
10 benefit on a plan stipulated on the contract of such value as is specified in sections
11 5, 6, 7, 8, and 10 of this Act;

12 (2) If a contract provides for a lump sum settlement at maturity, or at any other time, that
13 upon surrender of the contract at or prior to the commencement of any annuity
14 payments, the company shall pay in lieu of a paid-up annuity benefit a cash surrender
15 benefit of such amount as is specified in sections 5, 6, 8, and 10 of this Act. The
16 company may reserve the right to defer the payment of the cash surrender benefit for
17 a period not to exceed six months after demand therefor with surrender of the
18 contract after making written request and receiving written approval of the director.
19 The request shall address the necessity and equitability to all policyholders of the
20 deferral;

21 (3) A statement of the mortality table, if any, and interest rates used in calculating any
22 minimum paid-up annuity, cash surrender, or death benefits that are guaranteed under
23 the contract, together with sufficient information to determine the amounts of the
24 benefits; and

(4) A statement that any paid-up annuity, cash surrender, or death benefits that may be available under the contract are not less than the minimum benefits required by any statute of the state in which the contract is delivered and an explanation of the manner in which the benefits are altered by the existence of any additional amounts credited by the company to the contract, and indebtedness to the company on the contract, or any prior withdrawals from or partial surrenders of the contract.

Notwithstanding the requirements of this section, a deferred annuity contract may provide that if no considerations have been received under a contract for a period of two full years and the portion of the paid-up annuity benefit at maturity on the plan stipulated in the contract arising from prior considerations paid would be less than twenty dollars monthly, the company may, at its option, terminate the contract by payment in cash of the then present value of the portion of the paid-up annuity benefit, calculated on the basis on the mortality table, if any, and interest rate specified in the contract for determining the paid-up annuity benefit, and by this payment shall be relieved of any further obligation under the contract.

Section 4. That chapter 58-15 be amended by adding thereto a NEW SECTION to read as follows:

The minimum values as specified in sections 5, 6, 7, 8, and 10 of this Act of any paid-up annuity, cash surrender, or death benefits available under an annuity contract shall be based upon minimum nonforfeiture amounts as defined in this section:

- (1) The minimum nonforfeiture amount at any time at or prior to the commencement of any annuity payments shall be equal to an accumulation up to such time at rates of interest as indicated in the second paragraph of this section of considerations (as hereinafter defined) paid prior to such time, decreased by the sum of the following:
 - (a) Any prior withdrawals from or partial surrenders of the contract accumulated

1 at rates of interest as indicated in the second paragraph of this section; and

2 (b) An annual contract charge of fifty dollars accumulated at rates of interest as
3 indicated in second paragraph of this section;

4 (c) Any premium tax paid by the company for the contract, accumulated at rates
5 of interest as indicated in second paragraph of this section; and

6 (d) The amount of any indebtedness to the company on the contract, including
7 interest due and accrued;

8 (2) The net considerations for a given contract year used to define the minimum
9 nonforfeiture amount shall be an amount equal to eighty-seven and one-half percent
10 of the gross considerations credited to the contract during that contract year.

11 The interest rate used in determining minimum nonforfeiture amounts shall be an annual rate
12 of interest determined as the lesser of three percent per annum and the following, which shall
13 be specified in the contract if the interest rate will be reset:

14 (1) The five-year constant maturity treasury rate reported by the Federal Reserve as of
15 a date, or average over a period, rounded to the nearest one-twentieth of one percent,
16 specified in the contract no longer than fifteen months prior to the contract issue date
17 or redetermination date pursuant to this section;

18 (2) Reduced by one hundred twenty-five basis points;

19 (3) Where the resulting interest rate is not less than one percent; and

20 (4) The interest rate shall apply for an initial period and may be redetermined for
21 additional periods.

22 The redetermination date, basis, and period, if any, shall be stated in the contract. The basis
23 is the date or average over a specified period that produces the value of the five-year constant
24 maturity treasury rate to be used at each redetermination date.

1 During the period or term that a contract provides substantive participation in an equity
2 indexed benefit, it may increase the reduction described above by up to an additional one
3 hundred basis points to reflect the value of the equity index benefit. The present value at the
4 contract issue date, and at each redetermination date thereafter, of the additional reduction may
5 not exceed the market value of the benefit. The director may require a demonstration that the
6 present value of the additional reduction does not exceed the market value of the benefit.
7 Lacking such a demonstration that is acceptable to the director, the director may disallow or
8 limit the additional reduction.

9 The director may promulgate rules pursuant to chapter 1-26 to implement the provisions of
10 this section and to provide for further adjustments to the calculation of minimum nonforfeiture
11 amounts for contracts that provide substantive participation in an equity index benefit and for
12 other contracts that the director determines adjustments are justified.

13 Section 5. That chapter 58-15 be amended by adding thereto a NEW SECTION to read as
14 follows:

15 Any paid-up annuity benefit available under a contract shall be such that its present value
16 on the date annuity payments are to commence is at least equal to the minimum nonforfeiture
17 amount on that date. Present value shall be computed using the mortality table, if any, and the
18 interest rates specified in the contract for determining the minimum paid-up annuity benefits
19 guaranteed in the contract.

20 Section 6. That chapter 58-15 be amended by adding thereto a NEW SECTION to read as
21 follows:

22 For contracts that provide cash surrender benefits, the cash surrender benefits available prior
23 to maturity may not be less than the present value as of the date of surrender of that portion of
24 the maturity value of the paid-up annuity benefit that would be provided under the contract at

1 maturity arising from considerations paid prior to the time of cash surrender reduced by the
2 amount appropriate to reflect any prior withdrawals from or partial surrenders of the contract,
3 such present value being calculated on the basis of an interest rate not more than one percent
4 higher than the interest rate specified in the contract for accumulating the net considerations to
5 determine maturity value, decreased by the amount of any indebtedness to the company on the
6 contract, including interest due and accrued, and increased by any existing additional amounts
7 credited by the company to the contract. In no event may any cash surrender benefit be less than
8 the minimum nonforfeiture amount at that time. The death benefit under such contracts shall be
9 at least equal to the cash surrender benefit.

10 Section 7. That chapter 58-15 be amended by adding thereto a NEW SECTION to read as
11 follows:

12 For contracts that do not provide cash surrender benefits, the present value of any paid-up
13 annuity benefit available as a nonforfeiture option at any time prior to maturity may not be less
14 than the present value of that portion of the maturity value of the paid-up annuity benefit
15 provided under the contract arising from considerations paid prior to the time the contract is
16 surrendered in exchange for, or changed to, a deferred paid-up annuity, such present value being
17 calculated for the period prior to the maturity date on the basis of the interest rate specified in
18 the contract for accumulating the net considerations to determine maturity value, and increased
19 by any additional amounts credited by the company to the contract. For contracts that do not
20 provide any death benefits prior to the commencement of any annuity payments, present values
21 shall be calculated on the basis of such interest rate and the mortality table specified in the
22 contract for determining the maturity value of the paid-up annuity benefit. However, in no event
23 may the present value of a paid-up annuity benefit be less than the minimum nonforfeiture
24 amount at that time.

1 Section 8. That chapter 58-15 be amended by adding thereto a NEW SECTION to read as
2 follows:

3 For the purpose of determining the benefits calculated under sections 6 and 7 of this Act,
4 in the case of annuity contracts under which an election may be made to have annuity payments
5 commence at optional maturity dates, the maturity date shall be deemed to be the latest date for
6 which election shall be permitted by the contract, but may not be deemed to be later than the
7 anniversary of the contract next following the annuitant's seventieth birthday or the tenth
8 anniversary of the contract, whichever is later.

9 Section 9. That chapter 58-15 be amended by adding thereto a NEW SECTION to read as
10 follows:

11 A contract that does not provide cash surrender benefits or does not provide death benefits
12 at least equal to the minimum nonforfeiture amount prior to the commencement of any annuity
13 payments shall include a statement in a prominent place in the contract that such benefits are
14 not provided.

15 Section 10. That chapter 58-15 be amended by adding thereto a NEW SECTION to read as
16 follows:

17 Any paid-up annuity, cash surrender, or death benefits available at any time, other than on
18 the contract anniversary under any contract with fixed scheduled considerations, shall be
19 calculated with allowance for the lapse of time and the payment of any scheduled considerations
20 beyond the beginning of the contract year in which cessation of payment of considerations under
21 the contract occurs.

22 Section 11. That chapter 58-15 be amended by adding thereto a NEW SECTION to read as
23 follows:

24 For a contract which provides, within the same contract by rider or supplemental contract

1 provision, both annuity benefits and life insurance benefits that are in excess of the greater of
2 cash surrender benefits or a return of the gross considerations with interest, the minimum
3 nonforfeiture benefits shall be equal to the sum of the minimum nonforfeiture benefits for the
4 annuity portion and the minimum nonforfeiture benefits, if any, for the life insurance portion
5 computed as if each portion were a separate contract. Notwithstanding the provisions of sections
6 5, 6, 7, 8, and 10 of this Act, additional benefits payable in the event of total and permanent
7 disability, as reversionary annuity or deferred reversionary annuity benefits, or as other policy
8 benefits additional to life insurance, endowment and annuity benefits, and considerations for all
9 such additional benefits, shall be disregarded in ascertaining the minimum nonforfeiture
10 amounts, paid-up annuity, cash surrender, and death benefits that may be required by this Act.
11 The inclusion of such benefits may not be required in any paid-up benefits, unless the additional
12 benefits separately would require minimum nonforfeiture amounts, paid-up annuity, cash
13 surrender, and death benefits.

14 Section 12. That chapter 58-15 be amended by adding thereto a NEW SECTION to read as
15 follows:

16 After the effective date of this Act, a company may elect to apply its provisions to annuity
17 contracts on a contract form-by-contract form basis before the second anniversary of the
18 effective date of this Act. In all other instances, this Act shall become operative with respect to
19 annuity contracts issued by the company after the second anniversary of this Act.

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

770J0748

HOUSE JUDICIARY COMMITTEE ENGROSSED NO.

SB 167 - 02/13/2004

Introduced by: Senators Jaspers, Bogue, Dennert, Diedrich (Larry), Duxbury, Greenfield, Kelly, Koskan, and Sutton (Dan) and Representatives Juhnke, Bartling, Davis, Deadrick (Thomas), Dykstra, Fryslie, Hundstad, Lintz, Olson (Ryan), Peterson (Jim), Rounds, Sigdestad, and Solum

1 FOR AN ACT ENTITLED, An Act to provide immunity from liability for certain owners of
2 anhydrous ammonia.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. Any person tampering with or assisting in tampering with anhydrous ammonia
5 assumes the risk of personal injury, death, and any other economic or noneconomic loss or
6 damage arising from tampering with or assisting in tampering with anhydrous ammonia. An
7 owner of anhydrous ammonia is not liable to such person for personal injury, death, or any other
8 economic or noneconomic loss or damage arising out of tampering with or assisting in
9 tampering with anhydrous ammonia, except in any case in which such loss or damage was
10 caused by conduct of the owner that was willful, wanton, reckless, or grossly negligent.

11 Section 2. For purposes of this Act, the term, owner of anhydrous ammonia, means any
12 person who, for any lawful purpose:

13 (1) Owns anhydrous ammonia;

14 (2) Owns a container, equipment, or storage facility containing anhydrous ammonia;



- 1 (3) Is responsible for the installation or operation of a container, equipment, or storage
- 2 facility containing anhydrous ammonia;
- 3 (4) Sells anhydrous ammonia;
- 4 (5) Purchases anhydrous ammonia; or
- 5 (6) Operates or uses anhydrous ammonia containers, equipment, or storage facilities.

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

760J0540

SENATE JUDICIARY COMMITTEE ENGROSSED NO. **SB 181** - 02/04/2004

Introduced by: Senators Kooistra and Schoenbeck and Representatives Gillespie, Cutler, and Deadrick (Thomas)

1 FOR AN ACT ENTITLED, An Act to require notice before relocating a child not living with
2 both legal parents.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. If an existing custody order or other enforceable agreement does not expressly
5 govern the relocation of the principal residence of a child, a parent who intends to change his
6 or her principal residence shall, provide reasonable written notice by certified mail or admission
7 of service to the other legal parent of the child. Reasonable notice is notice that is given at least
8 forty-five days before relocation unless the court of record finds good cause for a shorter period
9 of notice. Proof of the notice shall be filed with the court of record unless notice is waived by
10 the court.

11 No notice need be provided pursuant to this section if:

- 12 (1) The relocation results in the child moving closer to the noncustodial parent; or
13 (2) The relocation is within the boundaries of the child's current school district; or
14 (3) There is an existing valid protection order in favor of the child or the custodial parent
15 against the noncustodial parent; or



1 (4) Within the preceding twelve months, the nonrelocating parent has been convicted of
2 violation of a protection order, criminal assault, child abuse, or other domestic
3 violence and either the child or the custodial parent was the victim of the crime or
4 violation.

5 Section 2. The notice required in section 1 of this Act shall contain the following:

- 6 (1) The address and telephone number, if known, of the new residence;
7 (2) The purpose for relocating;
8 (3) Why the relocation is in the best interest of the child; and
9 (4) The relocating party's proposed visitation plan for the nonrelocating parent upon
10 relocation.

11 Section 3. At the request of the nonrelocating parent, made within thirty days of the notice
12 of relocation, the court shall hold a hearing on the relocation. If no request for hearing is made
13 within thirty days of notice, the relocation is presumed to be consented to by the nonrelocating
14 parent.

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

664J0757

HOUSE COMMERCE COMMITTEE ENGROSSED NO. **SB 183** - 02/12/2004

Introduced by: Senator Schoenbeck and Representatives Hennies, Klaudt, Lintz, Peterson
(Bill), and Teupel

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to short-term
2 mortgages.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 21-49-14 be amended to read as follows:

5 21-49-14. Real estate mortgages, in any form, including ~~but not limited to~~, open end
6 mortgages, collateral real estate mortgages, renegotiated rate mortgages, shared appreciation
7 mortgages, and variable rate mortgages are authorized under the provisions of this chapter. The
8 provisions of § 7-9-7 ~~shall not be~~ relating to a date due are ~~not~~ applicable to ~~proceedings~~
9 mortgages under this chapter if the debt secured has no date due.

10 Section 2. The provisions of this Act do not affect the validity of any mortgage recorded
11 before July 1, 2004.



State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

714J0771

HOUSE LOCAL GOVERNMENT COMMITTEE

ENGROSSED NO. **SB 209** - 02/12/2004

Introduced by: Senator LaPointe

1 FOR AN ACT ENTITLED, An Act to authorize certain municipalities to provide housing for
2 police officers and to declare an emergency.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. Any second or third class municipality within the State of South Dakota may
5 erect, purchase, lease, rent, equip, furnish, insure, sell, and move dwellings to be used as
6 housing for police officers and other police personnel of the municipality. Such municipality
7 may establish the terms and rental amounts under which such dwellings are occupied.

8 Section 2. Whereas, this Act is necessary for the support of the state government and its
9 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in
10 full force and effect from and after its passage and approval.

